IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 911 of 2005 (S/S)

Atul Joshi S/o Ram Prakash Joshi
R/o 185 Ban Khandi
Risshikehs
District Dehradun … Petitioner

Versus

1. State of Uttaranchal through
   Its Secretary Education
   Dehradun
2. The Joint Director of Education
   Garhwal Region
   Pauri Garhwal, Uttaranchal
3. The Additional Director of Education
   Garhwal Region
   Pauri Garhwal, Uttaranchal … Respondents

Sri Deep Chandra Joshi, learned counsels for the petitioner
Sri Paresh Tripathi, learned standing counsel for the State

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sough in the nature of certiorari quashing the impugned transfer order dated 29.06.2005 passed by the respondent No. 3 i.e. Additional Director of Education.

Brief facts giving rise to this petition are that the petitioner was appointed on the post of Assistant Teacher L.T. (Biology) at Government Inter College Gheradhar District Tehri Garhwal. The petitioner worked at the Government Inter College Dheradhar (Dogi) fro. 03.07.1999 to 10.07.2001 which is in the category of Class-5 (अति विषिष्ट दुर्गम). Thereafter, the petitioner was transferred to Government Higher Secondary School Purvala (Dogi) District Tehri Garhwal (comes under the category of Class-5) from 13.07.2001 to 19.11.2004. Thereafter, the petitioner was transferred to the Government Inter College Raiwala, Dehradun vide order dated 17.11.2004.

It is pertinent to mention here that the petitioner was transferred there on the information provided by the principal on 16.11.2004 as the

post of Biology Assistant Teacher was vacant. Thereafter, after seven month the petitioner once again transferred from Government Inter College Diowala, Dehradun to Government Inter Higher Secondary School Koti Agunda District Tehri Garhwal vide order dated 29.06.2005.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has submitted that the petitioner has already worked for 14 years in a very difficult area and thereafter, he was transferred to Dehradun where he could remain only for seven months and again he has been transferred to a difficult area at Tehri Garhwal.

Learned counsel for the petitioner has also submitted his representation dated 28.06.2005 before the District Education Officer, Dehradun mentioning therein that one person already been working since 12.05.1994.

I do not find any ground, which requires any interference of this Court by way of the jurisdiction to be invoked under Article 226 of the Constitution of India.

The learned counsel for the petitioner could not point out anywhere as to whether action initiated by the respondents is based on mala fide. The petition, therefore, lacks merit and is liable to be dismissed.

Accordingly the petition is dismissed.

However, it is open for the petitioner to move fresh representation before the respondents within a period of 15 days along with certified copy of the judgment and the respondents shall thereafter decide the representation of the petitioner within a period of 30 days by passing the speaking and reasoned order.

(B.C. Kandpal, J.)

11.07.2005
ASWAL